



HIDEOUT, UTAH PLANNING COMMISSION REGULAR MEETING AND PUBLIC HEARING

(RESCHEDULED)

August 24, 2023

Agenda

PUBLIC NOTICE IS HEREBY GIVEN that the Planning Commission of Hideout, Utah will hold its Rescheduled Regular Meeting and Public Hearings electronically for the purposes and at the times as described below on Thursday, August 24, 2023.

This meeting will be an electronic meeting without an anchor location pursuant to Planning Commission Chair Anthony Matyszczyk's August 18, 2023 No Anchor Site Determination Letter.

All public meetings are available via ZOOM conference call and YouTube Live.

Interested parties may join by dialing in as follows:

Zoom Meeting URL: <https://zoom.us/j/4356594739>
To join by telephone dial: US: +1 408 638 0986 **Meeting ID:** 435 659 4739
YouTube Live Channel: <https://www.youtube.com/channel/UCKdWnJad-WwvcAK75QjRb1w/>

Regular Meeting and Public Hearings

6:00 PM

I. Call to Order

1. [August 18, 2023 No Anchor Site Determination Letter](#)

II. Roll Call

III. Approval of Meeting Minutes

1. [July 20, 2023 Planning Commission Minutes DRAFT](#)

IV. Public Hearings

1. [Discussion and possible recommendation to Town Council regarding adopting Chapter 12.25 Short Term Rental Overlay \(SRO\) Zone which is an overlay zoning designation that would allow short term rentals \(Continued from July 20, 2023\)](#)
2. [Discussion and possible recommendation to Town Council regarding a new zoning designation Residential Casita \(RC\) \(Continued from July 20, 2023\)](#)

V. Meeting Adjournment

Pursuant to the Americans with Disabilities Act, individuals needing special accommodations during the meeting should notify the Mayor or Town Clerk at 435-659-4739 at least 24 hours prior to the meeting.

File Attachments for Item:

1. August 18, 2023 No Anchor Site Determination Letter



August 18, 2023

DETERMINATION REGARDING CONDUCTING TOWN OF HIDEOUT PUBLIC MEETINGS
WITHOUT AN ANCHOR LOCATION

The Planning Commission Chair of the Town of Hideout hereby determines that conducting a meeting with an anchor location presents a substantial risk to the health and safety of those who may be present at the anchor location pursuant to Utah Code section 52-4-207(5) and Hideout Town Resolution 2022-R-17. The facts upon which this determination is based include: The seven-day number of positive cases has been, on average, 95.4 per day since August 16, 2023.

This meeting will not have a physical anchor location. All participants will connect remotely. All public meetings are available via YouTube Live Stream on the Hideout, Utah YouTube channel at: <https://www.youtube.com/channel/UCKdWnJad-WwvcAK75QjRb1w/>

Interested parties may join by dialing in as follows:

Meeting URL: <https://zoom.us/j/4356594739>

To join by telephone dial: US: +1 408-638-0986

Meeting ID: 4356594739

Additionally, comments may be emailed to hideoututah@hideoututah.gov. Emailed comments received prior to the scheduled meeting will be considered by the Planning Commission and entered into public record.

This determination will expire in 30 days on September 17, 2023.

BY:



Tony Matyszczyk,
Planning Commission Chair

ATTEST:



Kathleen Hopkins, Deputy Town Clerk



File Attachments for Item:

1. July 20, 2023 Planning Commission Minutes DRAFT

1 **Minutes**
2 **Town of Hideout Planning Commission**
3 **Regular Meeting and Public Hearing**
4 **July 20, 2023**
5 **6:00 PM**
6
7

8 The Planning Commission of Hideout, Wasatch County, Utah met in Regular Meeting and Public
9 Hearing on July 20, 2023 at 6:00 PM electronically via Zoom meeting due to the ongoing COVID-19
10 pandemic.

11
12 Regular Meeting and Public Hearing
13

14 **I. Call to Order**

15 Chair Tony Matyszczyk called the meeting to order at 6:03 PM and referenced the current No Anchor
16 Site letter which was included in the meeting materials. All attendees were present electronically.
17

18 **II. Roll Call**

19 **PRESENT:** Chair Tony Matyszczyk
20 Commissioner Rachel Cooper
21 Commissioner Jonathan Gunn
22 Commissioner Glynnis Tihansky
23 Commissioner Peter Ginsberg (alternate)
24 Commissioner Joel Pieper (alternate)
25

26 **EXCUSED:** Commissioner Donna Turner
27
28

29 **STAFF PRESENT:** Polly McLean, Town Attorney
30 Thomas Eddington, Town Planner
31 Jan McCosh, Town Administrator
32 Timm Dixon, Director of Engineering
33 Alicia Fairbourne, Recorder for Hideout
34 Kathleen Hopkins, Deputy Recorder for Hideout
35

36 **OTHERS IN ATTENDANCE:** Carol Tomas, Ann Gruber, Douglas Silver, Patricia Bidwill,
37 Don Blumenthal, Young Lee, Larry Eisenfeld, Karleen Callahan, Carl Robinson, John Greer, Steven
38 Jurecki, Kaye Lee, Luke Searle, Cort McCaughey, Bill Barlett, Jim Gruber, Ray DeJaco, Michelle Parker,
39 Mike Carollo, Dennis Gonzalez and others who may not have signed in using proper names in Zoom.
40

41 **III. Approval of Meeting Minutes**

42 **1. June 22, 2023 Planning Commission Minutes DRAFT**

43 Planning Commissioner Jonathan Gunn requested the June 22, 2023 draft minutes be amended to
44 reflect his reluctance to change precedent regarding the motion approved after the Public Hearing.
45 His comment was incorporated into the minutes.

1
2 *Motion: Commissioner Gunn made the motion to approve the June 22, 2023 Planning*
3 *Commission Minutes. Commissioner Tihansky made the second. Voting Yes: Commissioner*
4 *Cooper, Commissioner Ginsberg, Commissioner Gunn, Chair Matyszczyk, Commissioner Pieper,*
5 *Commissioner Tihansky. Voting No: None. Absent from Voting: Commissioner Turner. The*
6 *motion carried.*

7
8 **IV. Agenda Items**

9 **1. Discussion and consideration of rescheduling the August 17, 2023 Regular Planning**
10 **Commission meeting**

11 Chair Matyszczyk polled the Planning Commissioners on alternate dates for the August meeting given
12 several scheduling conflicts. After discussion, it was agreed to re-schedule the meeting to August 24,
13 2023.

14
15 **V. Public Hearings**

16 Commissioner Glynnis Tihansky requested the order of discussion of the Public Hearing items as
17 listed on the agenda be reversed.

18 **1. Discussion and possible recommendation to Town Council regarding adopting**
19 **Chapter 12.25 Short Term Rental Overlay (SRO) Zone which is an overlay zone**
20 **that would allow short term rentals**

21 Commissioner Peter Ginsberg asked if adoption of the Short Term Rental (SRO) overlay zone would
22 require future approvals of such applications. Town Planner Thomas Eddington responded no, any
23 approved future uses would be site specific and based on criteria included in the zoning ordinance.

24 Commissioner Gunn asked for guidance on whether the objective criteria included in the proposed
25 ordinance would be sufficient to deny a request and if such a denial would hold up in court. He added
26 he had concerns with any short-term rentals being approved for use in existing residential
27 neighborhoods. Town Attorney Polly McLean replied while court decisions are not predictable, a
28 rezone would be a legislative action which would have the highest level of discretion, and having a
29 rational basis for the zoning ordinance and planning decisions which would be non-discretionary
30 should be supportable in a potential legal action.

31 Discussion ensued regarding the proposed ordinance. It was noted that Homeowners Associations
32 (HOA's) rules would override the Town zoning so if short-term rentals were not allowed under HOA
33 rules, then the SRO zone would not be applied to that community. Questions arose regarding whether
34 subdivisions still under developer control could change rules on this matter to allow for such rentals
35 in opposition to existing homeowners' preferences.

36 Mr. Eddington noted the affected existing subdivisions could be Lakeview Estates and Deer Springs
37 which were not currently one-third completed. He reminded the Planning Commissioners that KLAIM
38 already allowed these rentals.

39 Commissioner Ginsberg asked if existing subdivisions could request this zoning and sue the Town if
40 denied. Ms. McLean responded that each subdivision would need to meet the criteria in the zoning
41 ordinance and would need to show a rational reason to support a claim that the ordinance did not apply
42 to its request.

1 Mr. Eddington noted prior discussions with the developer for Deer Springs regarding potential short-
2 term rentals in Phase 8 which were considered to be an acceptable area as this location was completely
3 separate from existing neighborhoods. He reminded the Planning Commissioners that if the draft
4 ordinance was not acceptable, it did not have to be approved and additional work could be done to
5 revise the criteria.

6 Commissioner Tihansky asked if the Shoreline subdivision would be included in the SRO zone. Mr.
7 Eddington replied no, this subdivision would be excluded per its HOA rules. Commissioner Rachel
8 Cooper asked if, with respect to a potential Deer Springs Cottages (Phase 8) application, could an
9 approval for short-term rentals be limited to just that phase. Mr. Eddington replied that had been the
10 initial idea, however the developer had subsequently requested approval to also include specific units
11 in additional phases. He was not sure if the developer would withdraw his Cottages concept if broader
12 short-term rental approval was denied.

13 Commissioner Gunn noted the responses in the 2022 Hideout Community Survey and public
14 comments provided for this meeting were not supportive of short-term rentals in general and suggested
15 the Planning Commission move slowly in its consideration of any SRO zoning approvals. Mr.
16 Eddington noted the proposed “one-third completed” threshold should be further considered, as a new
17 subdivision such as Lakeview Estates, could qualify for the SRO zone under this metric.

18 Chair Matyszczyk asked if it might be feasible to add a requirement for some level of commercial
19 development to be included in any new subdivision requesting SRO zoning, and wondered whether
20 developers would give up any density in exchange for this zoning. Mr. Eddington replied this concept
21 would require further vetting.

22 Commissioner Tihansky asked if criteria could be set to exclude from the SRO zone any subdivision
23 which had already received final approval. Mr. Eddington noted the Lakeview Estates subdivision
24 phases had not all been approved and was not one-third completed, so could meet the requirements
25 per the draft ordinance criteria.

26 Commissioner Ginsberg shared his concerns for homeowners who purchased properties in the early
27 phases of a development under the expectation there were no short-term rentals allowed, being faced
28 with new conditions if the SRO zone was later approved for their subdivisions.

29 Commissioner Gunn suggested additional work be done to refine the criteria for the proposed
30 ordinance, including limiting the approved geography.

31 Chair Matyszczyk opened the meeting for public comment at 6:43 PM.

32 Ms. Carol Tomas, Deer Waters resident, stated she was comfortable with the approval of short-term
33 rentals on the west side of Jordanelle Parkway, but was concerned that adding commercial and short-
34 term rentals in the eastern neighborhoods could lead to unfamiliar traffic and safety issues. She asked
35 what the developer was offering the Town in exchange for potential approval of such rentals which
36 would support his sales efforts.

37 Ms. Ann Gruber, Deer Waters resident, asked why the Planning Commission felt it was important to
38 concede to developers on this matter. She asked why the fabric of the Town should be changed if only
39 in an effort for developers to help sell their units. Commissioner Tihansky replied there could
40 economic benefits for the Town through additional tax revenues.

41 Mr. Douglas Silver, Shoreline resident, shared his concerns with rushing this approval process, and
42 asked if the impact from the expanded Ross Creek area of Jordanelle State Park had been considered

1 with regard to increased traffic in the community. Commissioner Tihansky agreed this should be
2 evaluated.

3 Ms. Gruber asked if the focus on commercial development was to raise tax revenues for the Town and
4 if that should be stressed over implementation of short-term rentals. Mr. Eddington replied commercial
5 development was certainly desired and was under active consideration, however where and how to
6 develop it was up for discussion. Ms. Gruber asked for more information on the potential economic
7 benefits of short-term rentals.

8 Ms. Patricia Bidwill, Golden Eagle property owner, asked how this proposed zoning change would fit
9 within the Town's long-term strategic plan. Mr. Larry Eisenfeld, Deer Water resident, asked for
10 clarification on the definition of existing and future subdivisions in the proposed ordinance, which Mr.
11 Eddington discussed.

12 Mr. Young Lee, Deer Waters resident, shared his concerns with speeding and other traffic issues which
13 could impact other neighborhoods if Lakeview Estates were approved for short-term rentals.

14 Ms. Tomas suggested the Town focus on commercial development opportunities rather than nightly
15 rentals as tax revenue sources. Commissioner Cooper agreed with Ms. Tomas, and stated she was not
16 comfortable with short-term rentals being approved in the center of Town, but rather should be limited
17 to discreet areas such as the previously proposed Bloom project.

18 Mr. Lee stated he was opposed to expanded short-term rentals, and asked if the county sheriff had
19 been consulted on how such rentals might impact future law enforcement. Mr. Eddington responded
20 any expansion would be discussed with local law enforcement.

21 There being no further comments, the Public Hearing regarding the Short Term Rental Overlay zone
22 was closed at 7:01 PM.

23 The Planning Commissioners discussed options for further refining the proposed ordinance and
24 continuing the discussion and potential recommendation to Town Council to a later date.
25 Commissioner Ginsberg suggested the draft ordinance be further refined before making any
26 recommendation to Town Council; Commissioners Gunn, Tihansky and Pieper agreed. Commissioner
27 Cooper stated she was against the concept as currently proposed.

28 ***Motion: Commissioner Gunn moved to continue the consideration of a Short Term Rental Overlay***
29 ***zone to the August 24, 2023 Planning Commission meeting in order to make additional refinements***
30 ***to the draft ordinance. Commissioner Ginsberg made the second. Voting Yes: Commissioner***
31 ***Ginsberg, Commissioner Gunn, Chair Matyszczyk, Commissioner Pieper and Commissioner***
32 ***Tihansky. Voting No: Commissioner Cooper. Absent from Voting: Commissioner Turner. The***
33 ***motion carried.***

34 **2. Discussion and possible recommendation to Town Council regarding a new zoning**
35 **designation Residential Casita (RC)**

36 Commissioner Ginsberg asked if the proposed Residential Casita designation would be a Nightly
37 Rental by definition. Mr. Eddington replied no, such units would be a different housing type originally
38 contemplated under the Bloom development project, but not necessarily for nightly rentals. He added
39 the zoning designation was not geographically specific, but could be appropriate for a proposal such
40 as Deer Springs Cottages or the Bloom development, with the ability for nightly rentals to be addressed
41 separately under a SRO zone application (if approved in the future).

1 Mr. Eddington discussed the attributes of this housing type, which included size limitations of less
2 than 1,500 square feet, various conditional and permitted uses, density, open space requirements and
3 lot frontage requirements.

4 The Planning Commissioners asked questions and provided feedback on square footage, land
5 disturbance requirements, and consideration of commercial development along with the residential
6 component. Ms. McLean advised the Planning Commissioners to be careful about exactions, and
7 suggested they consider mixed use development rather than mandating specific levels of commercial
8 development based on the number of residential units.

9 Mr. Eddington suggested a separate Mixed Use Casita designation might also be considered for
10 projects where a combination of residential and commercial development might be preferable. He
11 noted the proposed RC designation contemplated limited size single family homes.

12 Chair Matyszczyk opened the meeting for public comment at 7:23 PM.

13 Mr. Jim Gruber, Deer Waters resident, asked if the Bloom project had a commercial zone. Chair
14 Matyszczyk noted the Bloom application had been withdrawn and Mr. Eddington added there was no
15 specific applicant for this designation yet. This discussion could make such a designation available to
16 a future applicant.

17 Ms. Tomas asked if such units could be affordable housing. Mr. Eddington replied these were not
18 specifically designated as “affordable” under state statute but could in practice be more affordable for
19 some buyers or renters given their smaller sizes.

20 Mr. Lee asked if this proposed designation would be applicable to future development only. Mr.
21 Eddington responded yes, that would be the case.

22 Ms. Bidwill suggested the zoning designation be more specifically defined, and noted such a zone
23 which could include both high end accommodations and affordable housing, could be problematic.
24 Mr. Eddington noted the Planning Commission’s role was to consider allowance by size in zoning
25 decisions, not income levels.

26 There being no further comments, the Public Hearing regarding the Residential Casita zoning
27 designation was closed at 7:32 PM.

28 ***Motion: Commissioner Gunn moved to continue the consideration of a Residential Casita zoning***
29 ***designation to the August 24, 2023 Planning Commission meeting in order to make additional***
30 ***refinements to the draft ordinance. Commissioner Ginsberg made the second. Voting Yes:***
31 ***Commissioner Cooper, Commissioner Ginsberg, Commissioner Gunn, Chair Matyszczyk,***
32 ***Commissioner Pieper and Commissioner Tihansky. Voting No: None. Absent from Voting:***
33 ***Commissioner Turner. The motion carried.***

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36 **VI. Meeting Adjournment**

37 There being no further business, Chair Matyszczyk asked for a motion to adjourn.

38 ***Motion: Commissioner Tihansky moved to adjourn the meeting. Commissioner Gunn made the***
39 ***second. Voting Yes: Commissioner Cooper, Commissioner Ginsberg, Commissioner Gunn, Chair***
40 ***Matyszczyk, Commissioner Pieper and Commissioner Tihansky. Voting No: None. Absent from***
41 ***Voting: Commissioner Turner. The motion carried.***

1 The meeting adjourned at 7:34 PM.

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Kathleen Hopkins
Deputy Recorder for Hideout

DRAFT

File Attachments for Item:

1. Discussion and possible recommendation to Town Council regarding adopting Chapter 12.25 Short Term Rental Overlay (SRO) Zone which is an overlay zoning designation that would allow short term rentals (Continued from July 20, 2023)



Staff Report for Consideration of a Short-Term Rental And Commercial Amenity (STRACA) Overlay Ordinance

To: Chairman Tony Matyszczyk
Hideout Planning Commission

From: Thomas Eddington Jr., AICP, ASLA
Town Planner

Re: Short-Term Rental And Commercial Amenity (STRACA) Overlay Ordinance

Date: August 20, 2023 Planning Commission Meeting

Prior Submittals and Staff Reports:

October 15, 2022 – Planning Commission
November 10, 2022 – Town Council
January 12, 2023 – Town Council
April 17, 2023 – Planning Commission (initial work-session)
May 24, 2023 – Planning Commission (review)
July 20, 2023 – Planning Commission (review)

Updated Revisions

Based on feedback from the Planning Commission at the July meeting, staff has incorporated a commercial amenity component into the proposed draft ordinance. The inclusion of this requirement recognizes the goal to address the commercial needs anticipated by visitors that will utilize the short-term rental units.

The commercial requirement is detailed as follows:

- A minimum of 1,000 net usable square feet of commercial space shall be constructed on-site for every fifteen (15) permitted short-term rental units.
 - If a proposal has less than fifteen (15) total units, the minimum requirement remains at 1,000 net usable square feet of commercial
- This commercial space shall be limited to the following uses:
 - Café, restaurant, bar/pub or similar
 - Grocery, sundry shop or similar



- The commercial space/structure shall be complete and ready for occupancy prior the award of the 15th Certificate of Occupancy (CO) for the associated residential short-term rental units or within two (2) years of the grant of the first residential building permit.
- The commercial space must be located within the subdivision or neighborhood where short-term rentals are permitted.
- All commercial sites must be presented to the Planning Commission for review and approval as a Concept Plan application.
- The commercial site must meet all requirements for commercial structures set forth in the Neighborhood Mixed Use (NMU) zoning district and
- 'Net usable' space shall be defined as the area accessible to customers and does not include any back-of-house square footage requirements, which shall be supplemental to the usable, or customer accessible, area(s).

Background

Staff recommends the Planning Commission consider a Short-Term Rental And Commercial Amenity (STRACA) Overlay Ordinance and focus only on the requirements, standards, and conditions of such ordinance. No map or specifically defined area is proposed as part of this Ordinance update. If this is ultimately adopted, then qualifying developments may apply to rezone and have this overlay district applied to their existing underlying zone designation. This would require a public hearing at the Planning Commission and Town Council meetings, exactly the same as a traditional rezone request.

Current Short-term (Nightly) Rental Standards in Hideout

Nightly rentals are not currently allowed per the Hideout Town Code with the exception of two subdivisions which have been allowed to have short term, or nightly rentals, within Hideout:

- KLAIM, which negotiated for the allowance of nightly rentals in their Master Development Agreement which reads as follows:

9.13. **Use of Dwellings as Short-term Rentals.** Owners may rent their Dwellings as Short-term Rentals provided: (a) they do so in compliance with the Governing Documents; and (b) a short-term rental permit is issued by the County, if required. Owners opting to rent their Dwellings as Short-term rentals are required to use the services of a property management company that is (1) licensed in accordance with state law and local ordinances and (2) approved by the Association to manage Short- term Rentals within the Property. The Board of Directors shall establish the procedures, rules, and regulations for any Short-term Rentals, including check-in, access to Dwellings and common amenities and facilities. The Owner shall at all times ensure the Dwelling is rented in compliance with the Governing Documents and any rules and regulations for the Property.
- Deer Springs Phase 1 which had a plat note which the developer relied upon which allowed nightly rentals and therefore it was permitted in Deer Springs Phase 1 and Phase 1 amended. The plat note was ultimately amended as follows:



1. *The allowance of nightly rentals is only for Phase 1 and Phase 1 amended.*
2. *Any nightly rentals must be managed by a professional management service with someone who can respond on site within 30 minutes.*
3. *All nightly rentals require a business license.*

It is worth noting that the Hideout Master HOA Association does not allow nightly rentals (short term rentals) within the association.

Current Hideout Ordinance Regarding Short-term Rentals

On September 8, 2022, the Town Council adopted the following ordinance for the areas where short term rentals are allowed:

4.02.010 (Definitions)

SHORT TERM RENTAL: "Short-term rental" means any dwelling or condominium or portion thereof that is available for use or is actually used for accommodation or lodging of guests for a period of less than thirty consecutive days, wherein guests pay a fee or other compensation for said use. Also known as a nightly rental.

4.07 REGULATION OF SHORT TERM (NIGHTLY) RENTALS

4.07.01 LICENSE REQUIRED

It is unlawful to conduct or operate a short-term rental without having obtained a business license therefor.

4.07.02 REGULATIONS FOR SHORT TERM RENTAL

Short-term rentals are required to use the services property management company that is licensed in accordance with State and Local Ordinances and can respond on site within 30 minutes.

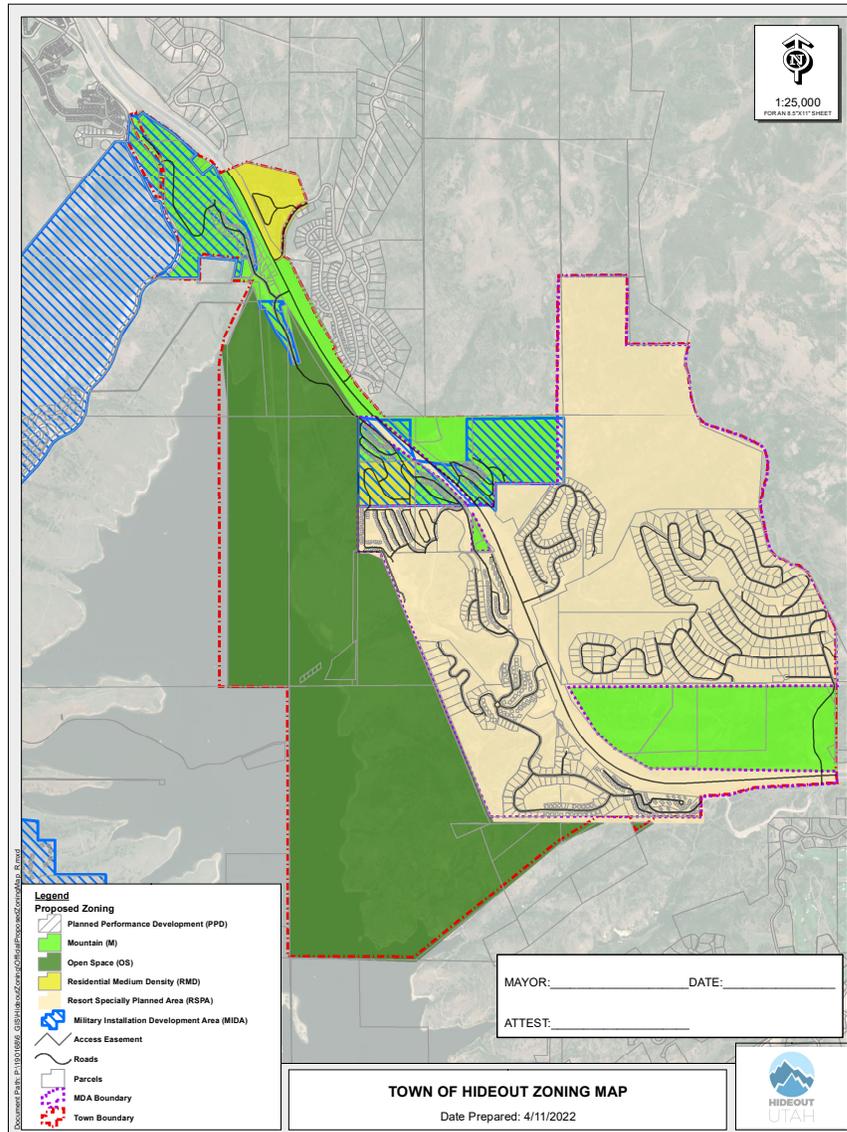
4.07.15 SEPARATE VIOLATIONS

For purposes of prosecution of violations of this chapter, each day that any violation occurs, or that applicable taxes and fees are unpaid, is deemed to constitute a separate violation.

Council and Planning Input to Date

At the Council's November 10, 2022 and January 12, 2023 meetings, councilmembers were generally favorable to the concept of a 'trial' nightly rental district within the Town as long as there were criteria in place to ensure any and all negative impacts were mitigated. Councilmembers also felt strongly that nightly rentals did not belong in existing residential neighborhoods.

Hideout Zoning Map
(The area within the beige/RSPA zoning has HOA restrictions that prohibit nightly rentals)

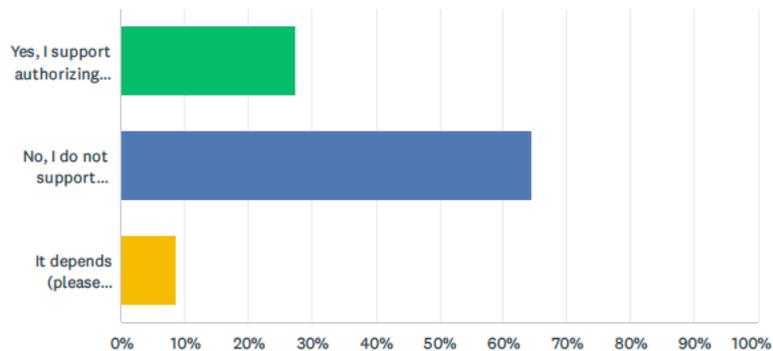


Public Input to Date

The following graph and table outline the results of the Community Survey that was conducted in June 2022.

Q6 Should the Town Authorize Additional Nightly Rentals of Private Homes? Should the Town authorize nightly rentals in private homes throughout the Town (except where prohibited by deed or HOA restrictions) which could reduce annual property taxes?

Answered: 331 Skipped: 2



ANSWER CHOICES	RESPONSES	
Yes, I support authorizing nightly rentals.	27.19%	90
No, I do not support authorizing nightly rentals.	64.35%	213
It depends (please explain):	8.46%	28
TOTAL		331

The community's input clearly indicates a lack of support for nightly rentals 'throughout the Town.' What was not clear from the survey was the community's level of support, or lack thereof, for nightly rentals in a yet-to-be-built neighborhood and/or one that is geographically separated from existing and established neighborhoods. The proposed Deer Spring Cottages, which essentially initiated the discussion of a draft ordinance, are located across the Jordanelle Parkway and are not contiguous to any neighborhoods or residential development. This development, if approved as a Short-Term Rental And Commercial Amenity (STRACA) Overlay zoning designation, would be the first of its kind in the Town and would be a neighborhood that is planned and designed to accommodate visitors – one that essentially functions as a resort. The developer has subsequently expressed an interest in expanding short-term rentals to additional phases of the Deer Springs neighborhood.

Fiscal Opportunities for the Town of Hideout

The Town Council considered the fiscal benefits of site-specific short-term rental overlay districts during their policy discussion in January 2023. The Town’s portion of property taxes makes up a very small percentage of a property’s total tax bill. Sales tax and transient room taxes offer increased fiscal benefits to the Town’s revenues.

2019 Hideout General Plan

The vision statement for the General Plan indicates:

2.1 Vision Statement

Hideout, Utah is a community that treasures both its residents and its environment. As such, Hideout’s vision is to:



preserve outstanding views

2.1.1 To Preserve Outstanding Views,

All development will be intentionally designed around enhancing and accentuating the existing environment, recreational open space, and livability of the community.



cultivate an inviting neighborhood atmosphere

2.1.2 To Cultivate an Inviting Neighborhood Atmosphere,

The intensity of land use will be managed to promote the design standards and environmental ideals laid out in the General Plan and other town documents.



build a connected community

2.1.3 To Build a Connected Community,

Public gathering spaces and appropriate commercial growth will be accessible by a variety of transportation options.

5.4.1 Hideout’s economic development goals are to:

1. Increase the livability of Hideout by encouraging appropriate commercial uses to serve resident needs.
2. Coordinate with local developers to enhance public gathering spaces and community connectivity.
3. Encourage commercial uses that are financially beneficial to the Town to improve resident quality of life and generate revenue to expand and maintain public infrastructure.



16

The proposed Short-Term Rental And Commercial Amenity (STRACA) Overlay zoning designation, in an area that is fully separated from existing residential development, generally meets the vision statement in the General Plan. It is worth noting the very detailed criteria outlined in the draft ordinance (see below) ensure the proposed zoning language meets the intent of the General Plan – locational requirements, unit size limits, occupancy limits, etc.



Proposed Draft Short-Term Rental And Commercial Overlay (STRACO) Ordinance

12.25.02 PURPOSE

The Short-Term Rental And Commercial Amenity (STRACA) Overlay zone is established to promote short term rentals (stays of less than 30 days) with associated commercial amenities constructed in close proximity while ensuring a cohesive neighborhood environment.

12.25.04 LAND USES & DIMENSIONAL STANDARDS

With the exception of the Land Use Table and the reference to 'Short-term Rental (<30 days)', all of the underlying zoning designation standards, and associated dimensional standards, remain in place and must be adhered to.

12.25.06 CRITERIA FOR THE SHORT-TERM RENTAL OVERLAY DISTRICT

The following criteria must be satisfied prior to the Town awarding any Certificates of Occupancy (CO) for any development designated as a Short-Term Rental And Commercial Overlay (STRACO) zone:

- A. All requirements of Section 4.07 must be satisfactorily addressed.
- B. No Short-Term Rental And Commercial Amenity (STRACA) Overlay zone may be located within the boundaries of the Master HOA – Hideout Canyon Master Planned Community.
- C. No Short-Term Rental And Commercial Amenity (STRACA) Overlay zone may be located in an established residential neighborhood which shall be defined as a recorded phase of a subdivision or a recorded subdivision that has more than 1/3rd (33%) of the units built and with Certificates of Occupancy (CO) awarded.
- D. Nightly rentals shall be limited to dwellings of less than 2,000 gross square feet.
- E. All nightly rentals must be for a minimum period of three consecutive days. This must be included on all advertising materials.
- F. No more than six (6) persons may stay overnight in a single unit (e.g., apartment, condo, cottage, single-family residence, etc.) at any one time. This must be included on all advertising materials.
- G. No more than two (2) automobiles are allowed to park on the property at any time. This must be included on all advertising materials.

- H. All nightly rental contracts must include a copy of Hideout’s trash, parking and noise ordinances and a ‘Good Neighbor Brochure’ that summarizes these requirements and what is expected of the renter. These documents must be clearly posted in the rental unit at all times.
- I. The owner of the nightly rental unit agrees to allow the Town’s Building Inspector or designee to conduct an annual walk-through inspection of each rental unit to ensure compliance with all Town health, safety and welfare requirements. This review will also include an assessment of local government and/or local service district responses to the property. If three (3) substantiated complaints (e.g., police, fire, or similar emergency management services) relative to a property within a 24-month period are confirmed, the nightly rental may be revoked for a period of up to one (1) year.
- J. A minimum of 1,000 net usable square feet of commercial space shall be constructed on-site for every twenty-five (25) permitted short-term rental units.
- K. ‘Net usable’ space shall be defined as the area accessible to customers and does not include any back-of-house square footage requirements, which shall be supplemental to the usable, or customer accessible, area(s).
- L. This commercial space shall be limited to the following uses:
 - a. Café, restaurant, bar/pub or similar
- M. The commercial space/structure shall be complete and ready for occupancy prior the award of 15th Certificate of Occupancy (CO) for the associated residential short-term rental units.
- N. The commercial space must be located within the subdivision or neighborhood where short-term rentals are permitted.
- O. All commercial sites must be presented to the Planning Commission for review and approval per the requirements of the Concept Plan application.
- P. The commercial site must meet all requirements for commercial structures set forth in the Neighborhood Mixed Use (NMU) zoning district.

Recommendation

This proposed ordinance is not site specific but rather provides the Town a methodology to consider allowing short-term rentals, and the associated commercial amenities, in existing or future developments. The developer would have to apply for this overlay zoning designation.



The Planning Commission should review the proposed draft Short-Term Rental And Commercial Amenity (STRACA) Overlay Ordinance and consider a recommendation to the Town Council.

From: [Dawn Faulconer](#)
To: [hideoututah](#)
Subject: Caution: ExternalPublic Comment Regarding Short Term Rentals
Date: Tuesday, August 22, 2023 10:31:01 AM

Good morning,

I don't know if it is too late to respond to Exhibit A of the Public Notice mailed on 7/10/2023,

I would like to vote in favor of allowing short terms rentals. I feel Hideout has a large majority of second-home owners thus having a large vacantly rate within these homes for an extended period of time. If these homes could be occupied, by short term renters, the Town, along with the surrounding community, would benefit from year round local shopping taxes in addition to sales and use tax and short term lodging taxes.

Please let me know you received this email.

Warmest Regards,

Dawn Faulconer

File Attachments for Item:

2. Discussion and possible recommendation to Town Council regarding a new zoning designation Residential Casita (RC) (Continued from July 20, 2023)



Staff Report for Consideration of a New Zoning District Designation – Residential Casita (RC)

To: Chairman Tony Matyszczyk
Hideout Planning Commission

From: Thomas Eddington Jr., AICP, ASLA
Town Planner

Re: Creation of a New Zoning District – Residential Casita (RC)

Date: July 20, 2023 Planning Commission Meeting

Prior Submittals and Staff Reports: Discussion of this district for the proposed Bloom Development took place on May 24, 2023 and June 22, 2023

Background

The Planning Commission is being asked to consider a new residential zoning designation, Residential Casita (RC). This zoning designation is necessary if the Town wishes to allow for small unit / small lot developments such as a cottage or a casita development. This would be for lots and units that smaller than what is permitted in the Residential 6 (R6). The ordinance will also limit the total house size to 1,500 SF.

The following is a draft ordinance for recommendation to the Town Council.

12.9.02 PURPOSE

The Residential Casita (RC) Classification is provided to allow for small casitas (or bungalows or cottages) as an additional room type for a hotel, other lodging, timeshare or other shared use facility in a planned mixed-use (inclusive of both residential and commercial uses) development. The RC Classification is only available if it is designed as an additional product to such a development.

12.10.04 LAND USES

1. The Residential Casita (RC) Zone use table lists where the use type is permitted (P), allowed through the provision of a Conditional Use permit (C). If not indicated with either a (P) or (C), the land use is prohibited.
2. All Infrastructure Uses outside of right-of-way utilities, including but not limited to Communication Towers, Water Storage, Electric Transmission Lines, and Gas Pipelines; shall require a Conditional Use permit.



Land Uses	
Residential	
Accessory Structure	
Affordable Housing Development	
Cluster Development	
Condominiums	
Condominium Hotel	
Multiple Family Unit	
Short-Term Rental (< 30 days)	
Single Family Attached (Townhome)	
Single Family Detached	P
Timeshare (Shared Ownership Facility)	
Community	
Amphitheatre	C
Church or Worship Center	C
Community Center	C
Private Residence Clubs	
Public Building	



Public Services Facility	
School	
Swimming Pool / Bath House	P
Commercial	
Big Box Retail	
Convenience Store	
Day Care Centers	
Equestrian Facilities	
Fitness / Wellness Center (less than 2,500)	C
Gasoline, Retail	
Golf Course and Related Services	
Grocery	
Health Care Facility	
Hotel	
Kiosks and Street Vendors	
Maintenance Facility (less than 1,500 SF)	C
Meeting Facilities	
Office	C
Personal Services	C



Recreational Facilities	
Restaurant (with Drive through support)	
Restaurant (less than 2,000 SF)	C
Retail	
Service Station	
Storage Facility	
Theater	

12.10.06 DIMENSIONAL STANDARDS

1. Unless otherwise specified, Development in the Residential Casita (RC) Zone shall comply with the standards set forth in the following table.
2. Maximum Density (ERU) is not guaranteed. It is dependent upon geographic, geological, topographical, community character and other limitations as outlined with Town Code.
3. All Primary Building and Accessory Structures are subject to the dimensional standards set forth in the following table. These general standards may be further limited or modified by other applicable sections of this Code.

Density	
Maximum Density (ERU)	8
Minimum Open Space	35%
Frontage / Lot Size	
Minimum Lot Size	3,500 SF
Minimum Lot Frontage	50' (may be reduced if the Planning



	Commission and Town Council approves a cluster development with a private driveway)
Minimum Lot Width	50'
Minimum Lot Depth	70'
Maximum Lot Coverage (in sq. ft.)	1,500 SF
Setbacks	
Minimum Front Setback from road edge	35'
Minimum Front Setback from road edge (Major Road)	40'
Minimum Setback from Highway	50'
Minimum Rear Setback	25'
Minimum Side Setback	20'
Minimum Offsets (relative to roadway or neighboring Bldgs.)	15° or 10'
Building	
Maximum Building Height	25' or two stories (whichever is less)
Maximum Units per Building	1

Driveway / Garage	
Minimum Parking (non-residential: per 1000 sq ft)	Conditionally (no less than 1 driveway parking pad)
Minimum Garage Parking (residential: per unit)	0
Minimum Driveway Length	24'
Minimum Driveway Width	12'
Maximum Driveway Width	20'
Shared Driveway Allowed	Conditionally
Conjoined Driveway Allowed (with adjacent property)	No
Maximum Driveways (per Frontage)	1
Permitted Driveway Materials	Concrete or asphalt

12.9.08 LANDSCAPING AND MAINTENANCE REQUIREMENTS

Unless otherwise specified, the Landscaping requirements within the Residential Casita (RC) Zone shall adhere to the requirements outlined in Section 10.08.32 in Title 10 of the Town Code.

12.9.10 OPEN SPACE AND PUBLIC SPACE REQUIREMENTS

Unless otherwise specified, the Open Space and Public Space requirements within the Residential Casita (RC) Zone shall adhere to the requirements outlined in Sections 10.08.28 and 10.08.30 in Title 10 of the Town Code.

12.9.12 DESIGN REQUIREMENTS

Unless otherwise specified, the Building Design requirements within the Residential Casita (RC) Zone shall adhere to the requirements outlined in Section 10.08.08 in Title 10 of the Town Code.



Recommendation and Next Steps

The Planning Commission should review the draft ordinance and consider a recommendation to the Town Council.